

DOCKET NO. 2002.01.005.WS0
U.S. SERIAL NO. 10/028,571
PATENT

REMARKS

Claims 31-60 are pending in the present application.

Claims 31-60 have been rejected.

No claims have been amended

The Applicant respectfully requests reconsideration of Claims 31-60 in light of the following arguments, which the Applicant makes in order to more particularly define the issues for appeal.

In Sections 1 and 2 of the July 12, 2005, Office Action, the Examiner rejected Claims 31-60 under 35 U.S.C. §103(a) as being unpatentable over the United States Patent No. 6,061,565 to *Innes, et al.* (hereafter, simply "*Innes*") in view of the Admitted Prior Art in further view of United States Patent No. 6,489,923 to *Bevan et al.* (hereafter, simply "*Bevan*"). The Applicant respectfully traverses the rejection.

In rejecting independent Claim 31, the Examiner acknowledged that the *Innes* reference and the Admitted Prior Art fail to teach the limitation of adjusting the travel time of a range signal from a base station to a mobile station and back again in order to correct for signal conditions. However, the Examiner asserted that the *Bevan* reference describes such an adjustment. The Applicant respectfully submits that the Examiner mischaracterizes the teaching of the *Bevan* reference.

The *Bevan* reference discloses a system combining direction finding and round trip delay techniques to estimate the position of a mobile station. *See Bevan: col. 3, lines 51-56.* The system evaluates the distance of the mobile station from a base transceiver station by measuring the round trip delay. *See Bevan: col. 1, lines 24-28.* The system performs direction finding by correlating in

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time the receipt of a signal waveform at each antenna element in an antenna array. *See Bevan: Fig. 1; col. 3, line 61, through col. 4, line 21.*

The Examiner asserts that the *Bevan* reference describes adjusting a value of a two-way travel time to correct for signal conditions, citing Column 2, lines 6-24, and Column 6, lines 20-24. The Applicant respectfully submits that both cited passages are describing techniques for compensating for errors in an estimated bearing, or direction, of a mobile station, rather than errors in the measured round trip delay of a signal sent to the mobile station, as asserted by the Examiner. In fact, the compensation techniques described in the *Bevan* reference are uniquely suited to its method of determining bearing through mathematical analysis of the time correlation of signals received at an array of antennas. Nowhere does the *Bevan* reference describe how to apply them to a round trip delay measurement.

Furthermore, although *Bevan* explains how to correct for such errors in a measured bearing of a mobile station, nowhere does the reference even hint that such correction would be desirable in determining the distance to a mobile station, which is the other crucial element of its system for estimating a mobile station's position. For these reasons, the *Bevan* reference does not teach using, nor would a person of ordinary skill in the art have been motivated to employ, the compensation techniques of the *Bevan* reference to adjust a two-way travel time of a range signal to correct for signal conditions, as recited in independent Claim 31.

As such, Claim 31 recites unique and non-obvious limitations that are not disclosed, suggested or even hinted at in the *Innes* reference, the Admitted Prior Art, or the *Bevan* reference,

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alone or in combination. This being the case, Claim 31 contains subject matter that is patentable over the *Innes* and *Bevan* references and the Admitted Prior Art, either individually or in any combination. Furthermore, dependent Claims 32-37 depend from Claim 31 and recite all of the unique and non-obvious limitations recited in Claim 31. Thus, Claims 32-37 are also patentable over the cited prior art references.

The Applicant notes that independent Claims 38, 45, 53 and 56 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 31. This being the case, Claims 38, 45, 53 and 56 are patentable over the *Innes* and *Bevan* references and the Admitted Prior Art, either individually or in any combination. Finally, Claims 39-44, 46-52, 54-55 and 57-60 depend from Claim 38, 45, 53 and 56, respectively, and recite all of the unique and non-obvious limitations recited in their respective base claims. Thus, Claims 39-44, 46-52, 54-55 and 57-60 are also patentable over the cited prior art references

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SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.


Respectfully submitted,

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